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7 *Special Discovery Master*

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION,

This document relates to:

ALL ACTIONS

MDL No. 2843

CASE NO. 3:18-MD-02843-VC-JSC

Hon. Vince Chhabria
Courtroom 4 – 17th Floor

**PROTOCOL FOR RESOLVING
DISCOVERY DISPUTES –
ORDER NO. 1**

JAMS Ref. No: 1200058674

1 1. According to the court’s order of July 20, 2021, Daniel Garrie (“Special Master”)
2 was appointed as Discovery Special Master to resolve discovery disputes that the parties cannot
3 resolve in mediation. This order sets out the protocol for resolving such discovery disputes.
4

5 2. After the discovery mediators declare an impasse, a party seeking the related
6 orders has leave to file a motion before the Special Master.

7 3. **Format:** Moving and opposing papers must be double spaced on pleading paper
8 not to exceed 15 pages exclusive of declarations and other admissible evidence. No submission
9 may contain argument in footnotes or declarations. The Reply is not to exceed 10 pages. Neither
10 party is permitted to submit new evidence in a Reply.
11

12 4. **Oral Argument:** If either party requests oral argument, it must be stated in the
13 caption of moving or opposing papers. Oral argument will be taken under submission with no
14 further briefing permitted unless ordered by the Special Master. At the request of the Special
15 Master a party shall make available a subject matter expert to clarify any technical issues
16 identified by the Special Master.
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18 5. **Briefing schedule:** Notice that a party seeks to file a motion is to be provided
19 three calendar days from notice of declaration of impasse. Moving papers are to be filed within
20 10 calendar days of declaration of impasse. Opposition is to be filed and served 10 calendar days
21 after filing of moving papers. Any reply is to be submitted within 5 calendar days after filling of
22 opposition unless otherwise stipulated or ordered. No Sur-Replies permitted.
23

24 6. **Other topics:** The moving and opposing papers must identify the discovery
25 request and response and include a Separate Statement (a chart that states interrogatories, the
26 response, the relevant history, the opposition, and an executive summary of the argument).
27
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1 7. Special Master is to issue a tentative ruling on the dispute within six (6) business
2 days after filing of reply unless good cause exists for an extension of issuance of the tentative
3 ruling.

4
5 8. Any request for reconsideration shall be submitted no later than four (4) business
6 days after the issuance of the tentative ruling, and it shall be accompanied by a declaration
7 establishing good cause. No new argument shall be included without a declaration demonstrating
8 new facts or circumstances that did not exist at the time of the original briefing. In the absence of
9 a timely request for reconsideration, the tentative ruling becomes final. The Special Master will
10 determine on as-needed basis the briefing schedule for any request for reconsideration.

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12 9. The parties cannot deviate from the specifications set-forth herein without leave
13 of the Special Master.

14
15 **IT IS SO ORDERED.**

16
17
18 Thursday, August 19, 2021



19 Daniel Garrie, Esq.
20 Discovery Special Master

PROOF OF SERVICE BY E-Mail

Re: In re: Facebook, Inc. Consumer Privacy User Profile Litigation (Special Master)
Reference No. 1200058674

I, Anne Lieu, not a party to the within action, hereby declare that on August 20, 2021, I served the attached Protocol for Resolving Discovery Disputes - Order No. 1 on the parties in the within action by electronic mail at El Monte, CALIFORNIA, addressed as follows:

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I declare under penalty of perjury the foregoing to be true and correct. Executed at El Monte,
CALIFORNIA on August 20, 2021.

/s/ Anne Lieu
Anne Lieu
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